

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8960 of 2005

Between:

Sri Pulluri Musalayya S/o.Bulli Venkanna,
R/o.D.Muppavaram Village Nidadavolu Mandal, West

Godavari District.

..... PETITIONER

AND

- 1 The District Collector West Godavri District at Eluru
- 2 The District Panchayat Officer West Godavri District at Eluru
- 3 The Divisional Panchayat Officer Kovvur, District West

Godavri District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the proceedings Rc.No.193/2004-A5 dt.11.3.2005, and Rc 1932005-A5 dt.14.4.2005 of the 2nd respondent, as arbitrary, illegal, null and void and is against the principles of natural justice and norms of the public policy and contrary to the provisions of A.P.Panchayat Raj Act and violative of Article 20 (2) of the Constitution of India.

Counsel for the Petitioner: MR.VENKATESWARA RAO GUDAPATI

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court, at the admission stage, made the following :

ORDER:

This writ petition is filed questioning the show cause notice dated 11.03.2005 and the proceedings dated 14.04.2005 issued by the second respondent-District Panchayat Officer, West Godavari, District.

Under the show cause notice dated 11.03.2005, which was issued under Rule 42 of the Rules made under G.O.Ms.No.30 (PR & RD & R) dated 20.01.1995, the petitioner was called upon to explain as to why he should not be prohibited from drawing the monies of the Gram panchayat.

Petitioner states that the allegations made in the show cause notice are untenable and the said notice was issued on the basis of the same allegations which are found to be untenable under the orders dated 19.06.2004. It is also stated that the second respondent is not competent to issue the proceedings under Rule 42(1) of the Rules.

Be that as it may, the petitioner has already submitted his explanation on 18.03.2005 and on the basis of the same the second respondent, vide proceedings dated 14.04.2005, has called for the remarks of the third respondent-Divisional Panchayat Officer, Kovvur. Thereafter no final order has been passed by the second respondent so far. Thus as on today no adverse orders are passed against the petitioner. Hence this writ petition is premature and I do not see any justifiable reason to entertain this writ petition.

Accordingly, the writ petition is disposed of with a direction to the second respondent to consider all the objections raised by the petitioner in his explanation, dated 18.03.2005, and to pass appropriate orders in accordance with law. Needless to mention that in case any adverse order is passed, it is open to the petitioner to challenge the same by working the appropriate remedy as available under law. No costs.

25.04.2005

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To

- 1 The District Collector West Godavri District at Eluru
- 2 The District Panchayat Officer West Godavri District at Eluru
- 3 The Divisional Panchayat Officer Kovvur, District West

Godavri District.

4 2 CCs to the G.P for Panchayat Raj and Rural Development,

High Court Buildings, Hyderabad. (OUT)

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